

[HOUSE BILL, No. 121.]

HOUSE OF REPRESENTATIVES, May 26, 1864.—Read first and second times, laid on the table, and ordered to be printed.

[By Mr. GARLAND, from the Committee on the Judiciary.]

## A BILL

To be entitled An Act to provide for the settlement of certain matters of account growing out of purchases of property as alleged by the purchasers for the use of the Government, by Payne & Co., in the State of Texas.

1     Whereas, William J. Payne, George B. Payne, Hezekiah  
2     Payne, and John I. Berry, under the name and style of Messrs.  
3     Payne & Co., some time during the year A. D. 1862, with the  
4     assent and approbation of an agent and officer of the Govern-  
5     ment of the Confederate States, as they alleged, did purchase a  
6     large number of beeves and other property from various citizens  
7     of different counties of the State of Texas, for the use and bene-  
8     fit, as alleged by said Payne & Co., of the Confederate States;  
9     and whereas, said Payne & Co., in paying for the property pur-  
10    chased as aforesaid, as it is alleged, delivered to the parties from  
11    whom such purchases were made, counterfeit treasury notes of  
12    the Confederate States, to an amount, as asserted, of over one  
13    hundred thousand dollars, and in consequence of which, said

14 parties were greatly defrauded by said Payne & Co.; and  
15 whereas, the Government of the Confederate States, through its  
16 agents or officers, received, took charge of, and appropriated to  
17 its own use the property purchased by said Payne & Co., but the  
18 Government has not as yet paid for such property, and declines  
19 and refuses to do so, in consequence of the losses incurred by  
20 the parties who sold the same to said Payne & Co., and until the  
21 necessary proof can be taken in the premises, in order that such  
22 parties may be fully reimbursed; and whereas, as appears by  
23 the records of the War Department, an account to the amount  
24 of one hundred and seventy thousand dollars has been stated and  
25 found by the Commissary Department heretofore at Jackson, in  
26 the State of Mississippi, to be due by the Government of the  
27 Confederate States for such property; and the said Payne & Co.  
28 claim, in addition to this sum, to be entitled to sixty thousand  
29 dollars, making in the aggregate, two hundred and thirty thou-  
30 sand dollars; and whereas, the Legislature of the State of  
31 Texas, having, by joint resolutions, requested the Senators and  
32 Representatives from that State to use their efforts to have some  
33 action taken by Congress to ensure a settlement of the rights of  
34 the parties interested in said transaction; Therefore,

1 SECTION 1. *The Congress of the Confederate States of America*  
2 *do enact*, That the Messrs. Payne & Co. may, by themselves or  
3 through their legally appointed agent or attorney, file their peti-

4 tion or statement in writing in the District Court of the Con-  
5 federate States in and for the western district of the State of  
6 Texas, setting forth their claim to pay for the property aforesaid,  
7 against the Government of the Confederate States, and after  
8 serving at least thirty days' notice upon the district attorney in  
9 and for such district, of the pendency and object of such peti-  
10 tion, the same shall be docketed regularly in said court, and  
11 progress as a suit according to the rules and forms of practice of  
12 such court.

1 SEC. 2. All parties that may feel themselves interested in,  
2 and that may desire to be reimbursed for losses sustained by  
3 reason of such purchases, out of the fund to be paid for such  
4 property, after publication of the pendency and object of such  
5 suit by said Payne & Co., in some newspaper published in said  
6 district by at least four weekly insertions, the last of which shall  
7 be at least thirty days before the return term of such cause, may  
8 appear and interplead in said cause, propound their claims and  
9 take proof to establish the same before said court.

1 SEC. 3. Said court shall have, and it is hereby invested with  
2 full authority and power to hear, determine, and settle all the  
3 questions arising in said cause, and its judgment or decree  
4 therein shall be final and conclusive, and any party by himself  
5 or through his agent or attorney, presenting a duly certified  
6 copy of the judgment or decree in his favor against such fund,

7 to the Treasurer of the Confederate States at the seat of Gov-  
8 ernment, or the agent for the Treasury of the trans-Mississippi  
9 department, shall be paid the amount so adjudged to be due  
10 him out of any money then remaining due from the Government  
11 to said Payne & Co.; and the receipt of the party or his agent  
12 as aforesaid endorsed upon said copy of the judgment or decree,  
13 shall be a sufficient voucher in favor of the officer paying the same.

1     SEC. 4. Should the said Payne & Co., refuse or fail to file and  
2 prosecute their claim for pay within the next twelve months, this  
3 shall not preclude the parties who may believe themselves enti-  
4 tled to reimbursement, in consequence of losses by reason of  
5 such purchases aforesaid, from setting up their own claims; but  
6 such parties or any of them may institute proceedings in such  
7 district court and prosecute the same to final hearing as provided  
8 in sections one and two of this act; and they may receive pay  
9 out of such fund when adjudged due them by such court as pro-  
10 vided in section three of this act; but such court shall not find  
11 due said Payne & Co., nor any of the parties seeking reimburse-  
12 ment, any sum greater than that claimed by the party in whose  
13 favor such finding shall be had; but as judgment shall be en-  
14 tered in favor of any of the claimants under this act until they  
15 furnish satisfactory proof to the court that the forged notes origi-  
16 nally received by them have been destroyed, or unless the said  
17 notes are deposited in court.